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ABSTRACT

The document consists of a report submitted to the Senate by the Committee on Post Office and Civil Service regarding S.792, a bill to provide increased part-time employment opportunities by executive agencies of the United States government. The purpose of S.792 is to declare as policy that a certain regulated proportion of all positions in the General Schedule (except positions in grades GS-16, GS-17, and GS-18) shall be made available on a part-time basis, and to establish a mechanism, under the Civil Service Commission, for its implementation. The bill is examined in terms of background, provisions, timetable for implementation, reports required, rights of full-time employees, cost, and amendments. Agency views include those of the General Accounting Office, the Office of Management and Budget, and the Civil Service Commission. Changes in existing law made by the bill are presented. (LH)

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PART-TIME CAREER OPPORTUNITIES

JUNE 19 (legislative day, JUNE 6), 1975.—Ordered to be printed

Mr. MCGEE, from the Committee on Post Office and Civil Service, submitted the following

REPORT

[To accompany S. 792]

The Committee on Post Office and Civil Service, to which was referred the bill (S. 792) to provide increased employment opportunity by executive agencies of the U.S. Government for persons unable to work standard working hours and for other purposes having considered the same, reports favorably thereon with amendments and recommends that the bill do pass.

PURPOSE

The purpose of S. 792 is to declare as policy that a certain regulated proportion of all positions in the General Schedule (except positions in grades GS–16, GS–17, and GS–18) shall be made available on a part-time career employment basis for persons who are unable to, or do not wish to, work full time; and to establish a mechanism, under the supervision of the Civil Service Commission, for implementing this policy.

STATEMENT

S. 792, introduced by Senator John V. Tunney on February 21, 1975, is similar in most of its provisions to S. 2022 introduced in 1973 by Senator Tunney. On September 26, 1973, the Committee held a hearing on S. 2022 at which interested witnesses, including the Civil Service Commission, testified. On September 11, 1974, the Committee unanimously reported S. 2022 (Report No. 93–1143); but the measure was not taken up by the Senate during the 93rd Congress and failed of enactment. On December 17, 1974, Senator Tunney introduced a similar measure, S. 4244, entitled the Part-Time Career Opportunity Act. The Committee did not act on S. 4244. S. 792 takes its title from S. 4244.

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U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
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S. 792 is co-sponsored by 24 Members of the Senate. They are: Senators Bayh, Cannon, Case, Church, Clark, Dole, Philip Hart, Hathaway, Hollings, Humphrey, Javits, Kennedy, Mathias, Mondale, Montoya, Moss, Pell, Percy, Randolph, Beall, Hartke, Inouye, McIntyre and McGovern.

BACKGROUND

Many groups in our society possess great productive potential which goes unused because their members cannot meet the requirements of a standard work week. Handicapped people often cannot bear the strains of a long work day or have great difficulty negotiating rush-hour traffic. Many students or people undergoing vocational retraining can afford such schooling only if they are able to work part-time. Retirees are frequently counseled to avoid the debilitating effects of inactivity by working in a creative capacity on a part-time basis.

Perhaps the largest group in need of part-time working opportunities are the millions of American women who seek to balance family responsibilities and the need for additional income. Part-time working opportunities are often the only way to tap the vast talent pool of 15 million college-educated American women for the benefit of government and the American economy.

The demand for part-time working opportunities rose dramatically in the last generation. The increase in the number of part-time workers between 1950 and 1966 from 10.7 million to 18 million represents a growth of more than 68 percent. During the same period, the full-time labor force increased by only slightly over 20 percent. In 1967, the Bureau of Labor Statistics estimated that one worker in seven would be part-time by 1980. In fact, the rate of increase in part-time workers has been so great that this ratio of part-time to full-time was reached by the end of 1972.

Unfortunately, the Federal Government has been needlessly slow in recognizing the benefits of and responding to the need for bringing part-timers into its work force. This legislation responds to the failure of the Federal Government to offer a variety of part-time career opportunities by the establishment of goals for part-time employment which are set so that at least a certain percentage of the positions at all but the supergrade levels in all executive agencies are available on a part-time basis.

The requirements laid out in S. 792 are goals rather than rigid quotas since the percentage requirements may be waived by the Civil Service Commission if the Commission finds that compliance with the requirements would be substantially disruptive of the ability of the agency to perform its mission. The establishment of goals is long-standing public policy. The Civil Service Commission's FPM Letter 713-22, October 4, 1973, provided guidelines for a format for submission of Equal Employment Opportunity (EEO) plans. Section 2(g) states:

> The establishment of [illegible] ical goals and timetables is a useful management concept that can significantly enhance EEO plans. . . .

S. 792 will not only result in the creation of part-time working opportunities for several hundred thousand people who would otherwise be excluded from the labor force—women with children, people who

must work in order to finance their education, civil servants who wish to avoid the hazards of sudden, total retirement, the handicapped and senior citizens—it also benefits the Federal Government in a number of significant ways. First, by expanding the available quantity of part-time positions, the Government increases its selection of high-quality applicants. As Adel Lewis, President of Career Blazers, has found, "For many jobs, the best people on the market are people who want to work part-time. Second, there is substantial evidence that part-time workers are more efficient and productive than those in comparable full-time jobs. Testimonials from employers reveal that part-time employees often show more enthusiasm for the job, are less distracted by outside responsibilities, and do not develop the counter-efficient boredom that often comes with standard hours employment. Third, S. 792 will permit many expensively trained civil servants to continue in a part-time capacity rather than retire early. Similarly, the Federal Government will be better able to retain the services of experienced employees who, because of family obligations or disabilities, must withdraw from full-time public services. Finally, by providing increased employment opportunities to people continuing their education, the Government will gain access to new developments as they evolve in the various academic disciplines.

As long ago as 1963, the President's Commission on the Status of Women recommended that the Federal Government lead the way in establishment of a permanent structure of part-time job opportunities in Federal agencies. The Civil Service Commission spoke of the same need in its publication, "A Point of View". The Department of Labor also endorsed this concept in its document entitled, "Calling All Women". As indicated by the broad support for this legislation in the Senate and among voluntary organizations around the nation, part-time employment in the public service is an idea whose time has come.

Provisions of the Bill

POLICY

The policy section of the bill states the Committee's view that, excluding grades GS–16, GS–17, and GS–18, positions in the General Schedule should be made available as part-time positions to accommodate employees or prospective employees who cannot work the full eight-hour day and forty-hour week or who prefer not to do so.

"Part-time career employment" is defined as meaning at least 16 hours but not more than 30 hours a week. This could include five hours each workday, a different number of hours each workday, job-sharing or any other arrangement established by the Commission which is consistent with the provisions of the bill.

AGENCIES COVERED

The measure covers Executive agencies and regulatory agencies subject to the rules of the Civil Service Commission, but it specifically excludes the Federal Bureau of Investigation, the U.S. Postal Service, the Postal Rate Commission, a Government controlled corporation, the Tennessee Valley Authority, the Alaska Railroad, the Virgin Islands Corporation, the Energy Research and Development Agency, the Cen-

tral Intelligence Agency, the Panama Canal Company, and the National Security Agency.

PERCENTAGE GOALS

It is the Committee's intention that the opening up of Government to part-time career employment would take place gradually so that the changed conditions of employment for some employees can be slowly assimilated by the work force and can become accepted practice over a period of years. Accordingly the bill provides for a gradual phase-in of part-time career employment: one year after the date of enactment, at least two percent of all positions in each grade in each agency would meet the requirements of part-time employment and made available. Each year thereafter, the percentage would increase by two percent until five years after the date of enactment, 10 percent of positions would have been so restructured and made available.

WAIVERS OF PERCENTAGE MINIMUMS

The Committee intends that the above timetable shall be considered as a goal, not as a quota and should not be allowed to interfere with the achievement of the agency's mission. Accordingly, the bill provides that the Civil Service Commission may waive or reduce the percentage minimum if the Commission finds that compliance would be substantially disruptive of the agency's ability to perform its mission. The bill requires that a request for a waiver or reduction in the percentage minimum must be published in the *Federal Register* and interested parties have been given at least 60 days to submit comments to the Commission; and it provides that a Commision decision to waive or reduce a percentage minimum would include reasons and justification and would be made available to the public without charge.

These provisions are intended to provide a reasonable balance between the attainment of the objectives of the bill and the imperatives of good management. The Committee recognizes that it may not be possible to provide part-time career positions in any given year at any given level in a particular agency and it expects the Civil Service Commission to exercise even-handedness in making its judgments when a waiver or reduction is requested.

REPORTS REQUIRED

The bill provides that the agencies involved would carry out the provisions of the measure and that the Civil Service Commission would formulate, implement, and supervise a program to assist agencies in doing so. Six months after the date of enactment, the Commission would report to Congress on the actions it has taken to put the program into effect.

Under the bill, each agency would report annually to the Commission on the procedures, activities, projects, and other efforts made during the three preceding calendar months to implement the provisions of the measure.

The Commission would report annually to the Congress, providing documentation of the extent to which the percentage minimums have been met and an explanation of any impediments to fulfilling the minimums and steps taken to remove the impediments.

RESTRICTIONS ON IMPLEMENTATION

S. 792 would prohibit any employee from being forced to accept part-time employment as a condition of new or continued employment. It also provides that nothing in the bill would jeopardize the employment or employment rights of any full-time Federal employee.

The bill provides that experts and consultants and employees of organizations other than the agency itself may not be counted as part-time employees; and it places an absolute limit of 10 percent of full-time positions which may be restructured as part-time.

OTHER PROVISIONS

S. 792 provides that part-time employees would have entitlement to the same proportionate fringe benefits as those vested in regular-hour employees. An exception to this general rule occurs in the provision governing the method of crediting service toward retirement. This bill provides that only that service in which the employee is actually on the job would be creditable service. Full-time employees work 2,080 hours per year or 173 hours per month. Under S. 792, a part-time employee would be credited with one month toward retirement when he has actually worked 173 hours. Without this provision, a part-time employee could work as such for a number of years, transfer to a full-time position to increase the high-three average salary, and retire on a disproportionately high annuity in which each month of part-time employment was credited as though the employee had worked full time.

The bill provides that, for purposes of counting persons employed part-time toward agency personnel ceilings, each person would be counted on a pro-rata basis according to the percentage of hours each employee works in a typical 40-hour workweek.

With regard to Federal employee groups, the bill provides that if a collective-bargaining agreement is in effect which establishes weekly hours of employment, the provisions of the bill would not apply; and that if an employee organization has been accorded exclusive recognition, that organization would be entitled to represent part-time employees.

RIGHTS OF FULL-TIME EMPLOYEES

Section 3502 of title 5 provides that the Civil Service Commission shall prescribe regulations for the release of competing employees in a reduction in force which gives due effect to (1) tenure of employment, (2) military preference, (3) length of service, and (4) efficiency or performance rating. S. 792 adds a fifth consideration, "previous or current employment on a full-time basis (other than on a temporary or seasonal full-time basis)." This means that an employee's status as a full-time employee, other than temporary or seasonal, will be taken into account by Civil Service Commission regulations when a reduction in force is undertaken.

Concerning promotions, the bill provides that an employee employed on a part-time basis shall not compete, as the result of being so employed, with any employee in the competitive service employed on a full-time basis. This means that a part-time employee's status as such prohibits his competing with a full-time employee for pro-

motion to a full-time position. To compete for a full-time position with a full-time employee, the part-time employee must qualify on the basis of previous full-time employment; or his part-time position must first be converted to full-time.

Cost

Enactment of this legislation will not result in any additional cost to the Government. Experience in the Federal Government and in the private sector, the Committee believes, indicates that part-time employment generally results in such increased productivity that the minor additional administrative expenses that may be incurred are more than fully offset.

Amendments

The bill as introduced provided authority to the Civil Service Commission to waive or reduce the percentage minimum *not yet achieved* by an agency if the Commission finds that compliance would be substantially disruptive of the ability of the agency to perform its mission. The Committee amended the bill by striking the phrase *not yet achieved*, meaning that the Commission may, under the conditions provided, waive or reduce the percentage minimum whether it has been achieved or not.

The bill as introduced spelled out the circumstances under which the Commission could reduce or waive percentage minimums following a finding that compliance would substantially disrupt the ability of the agency to perform its mission. As introduced, the bill provided that substantial disruption would occur:

—When compliance would cause the agency's efficiency to be severely impaired or

—When the agency is undergoing a substantial reduction in force, a freeze on new hiring or other major personnel action which so adversely affects the status of agency employees as to make it impossible to comply with percentage minimums not yet achieved without seriously jeopardizing the employment or employment rights or benefits of agency employees. The Committee amended the bill by deleting the above definition of substantial disruption. The intent of this amendment is to provide the Civil Service Commission with greater flexibility in making a determination that compliance would be substantially disruptive of the agency to perform its mission.

As introduced, the bill provided that each agency shall report to the Commission not later than January 20, April 20, July 20, and October 20 of each year with respect to the three calendar months preceding the report on its part-time employment procedures, activities, and projects. The Committee amended the bill to provide that the agencies shall report to the Commission annually.

Other amendments were technical, having no effect upon the substance of the bill.

Agency Views

Following are the views of the General Accounting Office, the Office of Management and Budget, and the Civil Service Commission:

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D.C., April 14, 1975.

B-179117.

Hon. GALE W. MCGEE,
Chairman, Committee on Post Office and Civil Service,
U.S. Senate.

DEAR MR. CHAIRMAN: We refer to your letter of February 27, 1975, requesting our views and comments on S. 792, 94th Congress, which, if enacted, would provide increased employment opportunity within executive agencies of the United States Government for persons unable or not wishing to work standard working hours, and would be cited as the "Part-Time Career Opportunity Act."

The bill establishes as a policy that all agencies of the Government as defined by 5 U.S.C. § 5102 (1970), with the exception of the Federal Bureau of Investigation, shall make available a certain percentage of its positions in each grade through grade GS-15 on a part-time, flexible-hours employment basis for persons who cannot or do not desire to work full time. The bill requires that each agency restructure 2 percent of its positions in each grade level not later than 1 year after enactment, and thereafter restructure additional positions in each grade in annual increments of at least 2 percent until 10 per centum of all positions in each grade have been made available for flexible-hours employment, not later than 5 years after the date of enactment, unless the Civil Service Commission (CSC) reduces or waives a required set-aside percentage.

Responsibility for monitoring agency progress toward achievement of part-time employment goals required by the bill is assigned to the CSC. Each agency must report quarterly to the CSC on progress made on the program, and CSC must report annually to Congress on efforts undertaken to meet the percentage goals and reasons for failure to do so where pertinent. Also, the CSC has been assigned the task of conducting research and experimentation projects designed to promote part-time employment in the Federal Service.

The existing law governing hours of work for Government employees is contained in section 6101 of title 5, United States Code. It provides for a 40-hour administrative workweek, consisting of 5 8-hour days, normally running from Monday through Friday. However, the law does not make it a mandatory requirement that every employee work 40 hours per week. The CSC in implementing the aforementioned statute has made provisions for a workweek of less than 40 hours for part-time employees by defining "Regularly Scheduled Administrative Workweek" in 5 C.F.R. § 610.102(b) to include any "officially prescribed days and hours within an administrative workweek during which these employees are required to be on duty regularly." Moreover, there is a strong statement of encouragement for agencies to foster part-time employment contained in section B-4, Appendix B, Chapter 31[illegible] of the Federal Personnel Manual.

Section 3207 of the bill proposes that agencies count an employee employed in a flexible-hours position for purposes of personnel ceiling requirements on a pro rata basis according to the average number of hours such employee works in a 40-hour workweek. The existing Office

of Management and Budget policy with respect to agency personnel ceiling requirements on counting part-time employees is set forth in sections B–2 and B–3, Appendix B to Chapter 312, Federal Personnel Manual, 1969 edition. It establishes two kinds of ceilings: full-time permanent employment and total employment. If the permanent ceiling is subtracted from the total employment ceiling, the difference, called a "derived ceiling," constitutes in effect a limitation on the number of part-time, temporary, and intermittent employees who can be hired. However, agencies are free to hire part-time employees against either the derived ceiling or, if not high enough, against the full-time ceiling. In some cases, agencies may apply to the Office of Management and Budget to split full-time jobs. Thus it appears that existing law and regulations already permit a great deal of flexibility in applying personnel ceiling requirements to agency needs.

We fully support the objectives of the bill, namely, to insure that position in all grades are freely available to part-time workers. However, we believe that rigid adherence to the percentage formulae for part-time career employment positions in all cases would prove to be impractical from an administrative standpoint. We note that as of October 31, 1974, there were 2,862,184 Federal civilian employees (Federal Civilian Manpower Statistics, United States Civil Service Commission, February, 1975), of which 2,628,833 were permanent full-time employees, 161,629 were part-time regularly scheduled employees and 71,722 were intermittent employees. Since the numbers and grade levels of this magnitude of positions located in all 50 states and numerous foreign countries are subject to constant variation, we believe it is not entirely feasible to require, as S. 792 proposes, that at all times a specified percentage of positions in each grade be designated and set aside for part-time employment. We suggest, instead, that a yearly percentage of *total* employment in grades below GS–16 be set aside for flexible-hour workers without specifying a fixed percentage for each grade. Moreover, in our current review of the feasibility of increasing the use of part-time employees to supplement the Federal work force, agency officials have advised this Office that it generally is not practical or effective to use part-time employees in supervisory or management positions because of continuity, workload and travel considerations.

For these reasons, we believe that the CSC should have discretionary authority to permanently exempt higher grade supervisory and managerial positions from the percentage set aside requirements of this bill if the agency submits compelling justification for such exemption on the basis that noncompliance would severely disrupt the agency's ability to perform its mission. Hence, we suggest that section 3203(b), line 3, page 4, of the bill be amended by inserting after the word "agency" "* * * on a permanent basis for grades GS–13 and above managerial and supervisory positions and other positions * * *."

In addition, we note a typographical error in section 3207(f), line 12, page 10, which should be corrected to change the word "complete" to "compete."

Sincerely yours,

R. F. KELLER,
Deputy Comptroller General of the United States.

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., June 9, 1975.

Hon. GALE W. MCGEE,
Chairman, Committee on Post Office and Civil Service, U.S. Senate, Room 6206 Dirksen Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: Reference is made to the Committee's request for the views of this Office on S. 792, "To provide increased employment opportunity by executive agencies of the United States Government for persons unable to work standard working hours, and for other purposes."

The purpose of S. 792 is to require the departments and agencies to set aside a fixed quota of positions at all grades to be filled on a part-time basis. In its report the Civil Service Commission states a number of reasons for opposing this bill, noting particularly that it would impose an impractical and arbitrary system which would severely reduce an agency's flexibility to decide the best way to manage its staff to carry out assigned functions.

We concur with the Civil Service Commission in supporting the objective of increasing part-time employment opportunities, but share their strong belief that mandatory quotas are not the proper way to meet this objective. In addition, we are strongly opposed to the ceiling provision of the bill which would count part-time employees on a fractional basis. This provision would make it impossible to control and to determine the exact number of employees on the Government payroll at any given time. Such information is regularly and properly demanded by the President, Congress and the taxpayers. We do not believe it is in the public interest to provide for an employment ceiling system that, in effect, would conceal the facts about the actual number of persons on the Federal payroll.

Finally, we believe that there is now sufficient flexibility in the personnel ceiling system to accommodate the needs of various groups for increased part-time employment. When an agency's employment ceiling is set each fall during the budget process, consideration can be and is given to requests for part-time employment commensurate with the agency's perceived needs. If the agency desires to include a program to provide increased part-time employment opportunities this Office will give careful consideration to ceiling adjustment to accomplish the desired goal.

Accordingly, for the reasons stated above and in the report of the Civil Service Commission, we strongly recommend against enactment of S. 792.

Sincerely,

JAMES M. FREY,
Assistant Director for Legislative Reference.

U.S. CIVIL SERVICE COMMISSION,
Washington, D.C., June 17, 1975.

Hon. GALE W. MCGEE,
Chairman, Committee on Post Office and Civil Service, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in further reply to your request for the views of the Civil Service Commission on S. 792, a bill "To provide increased employment opportunity by executive agencies of the United States Government for persons unable to work standard working hours, and for other purposes."

While we support the concept of enlarging part-time employment within the Federal government whenever possible, the Commission is strongly opposed to this bill.

In order to accomplish the bill's objective, this legislation would impose an arbitrary and impractical system which would severely reduce the Federal manager's flexibility to determine the best employee mix to meet an organization's objectives. This bill would require that a fixed percentage of positions at each and all levels under the General Schedule be set aside for part-time work.

It is our view that legislation to accomplish the basic objective of this proposal is neither necessary nor desirable. There is now available administrative flexibility that enables Federal executive agencies to employ workers on a part-time basis. This flexibility has been used by agencies for many years to provide employment opportunities for those workers unable to work full-time and also to carry out essential functions that lend themselves to accomplishment by part-time workers. For example, the Department of Health, Education and Welfare employs about 2,500 part-time workers and the Department of Agriculture has about 2,100 employees in this same category. The Veterans' Administration has some 11,200 part-time workers.

This extremely inflexible approach does not recognize the wide variations which exist in the nature of the work to be done as well as work cycles, and would be imposed whether or not such work could best be accomplished by full-time or part-time employees.

While the bill suggests that the two percent requirement per year is a flexible goal and timetable, the fact is that non-achievement of the "goal" places upon both the agencies and the Commission extraordinary reporting requirements. When we consider the fact that the bill first states that an agency shall not abolish a full-time position occupied by an employee in order to establish part-time positions and secondly, realize that in one grade alone these quotas would require an increase of over 1000% above the current level of part-time employees, the problems and the degree of non-productive administration and paper work which we could expect to be generated by agencies unable to meet the percentage requirements is staggering. Enclosure one demonstrates the impact of these quotas for the Federal work force. We seriously question whether these undesirable and unnecessary results are in the public interest.

The bill ignores the fact that large blocks of jobs within the government do not lend themselves to part-time employment. It would be difficult to restructure many supervisory and management positions as well as jobs requiring continuity, frequent or extensive travel and investigative positions (about 45,000 positions in this group).

Labor market conditions, and fluctuations in labor market conditions completely beyond the control of the Federal government, would, in our judgment, make it impossible to hire enough well-qualified employees in some types of jobs to meet the employment requirements of the bill. Some examples are: Jobs such as Air Traffic Controller; Border Patrol Officer; Park Ranger and Forester, which require specialized experience not readily found among candidates willing to work part-time.

Enclosure two to this report provides a table showing the trend of Fiscal Year Accessions and Separations by Type in the Federal Government. There are over one-half million accessions and/or separations each fiscal year. Approximately 5% of all vacancies on a government-wide basis would have to be filled on a part-time basis the first year after enactment of S. 792 to meet the requirements of the bill. While specific data is not presently available, we do know that turnover is highest at the lowest grade levels. Examining the impact of the proposed legislation at the senior grade levels (GS–13 level and higher) we know that voluntary separations occur at the rate of 2% per annum, and retirements at about 5% per annum producing a 7% vacancy rate. Because virtually all of these positions are filled by promoting men and women already in the Federal Service, less than 1% of the senior level positions would be available for part-time workers if the jobs could, in fact, be restructured without disrupting the ability of the agency to perform its mission.

Within one year, to meet the 2% quota, the Federal Government would have to hire the following numbers of part-time employees at each GS grade:

GS–1	14	GS–9	2,454
GS–2	9	GS–10	477
GS–3	6	GS–11	2,455
GS–4	565	GS–12	2,376
GS–5	1,675	GS–13	1,852
GS–6	1,266	GS–14	954
GS–7	1,803	GS–15	546
GS–8	579		

These figures are probably low estimates because of the 16–30 hour definition of S. 792. Current part-time figures include all part-time (i.e., less than 40 hours per week but not intermittent or temporary).

At GS–15, for example, 546 persons would have to be hired to meet the 2% quota. This would represent an increase in the Federal Government of 1000% or 10 times the number of part-time, permanent GS–15's currently in the Federal work force.

Considering the low level of outside hiring which is done at the higher grade levels, the low turnover rate in these grades and the fact that this bill prohibits the abolishment of a full-time position which is occupied by an employee in order to establish two or more part-time positions, it becomes evident very quickly that promotion opportunities will be denied to Federal employees in order that unoccupied full-time positions can be converted to part-time positions.

In the subsequent 4 years, to attain a 10% quota, approximately 602 additional part-time GS–15's would have to be located and hired annually. Current positions would have to be restructured to accommo-

date part-time schedules and these are usually positions which have supervisory and management responsibilities.

In the first year after enactment, some 16,000–17,000 people would have to be hired on a part-time basis. While accurate cost data cannot be projected on a governmentwide basis, it would represent increased job restructuring, recruitment, selection and certification activities, record-keeping and follow-up action on the part of personnel management specialists, budget and accounting officers and managers.

Three new categories of less than full-time work would be established, making a total of five categories—temporary, intermittent, less than 16 hours, 16–30 hours, and more than 30 but less than 40-hour employees. All these categories would have to be recorded, tracked and listed so that S. 792 quotas would be recorded and complied with and to insure the noneligible part-timers would not be counted toward compliance.

Another objectionable feature of the bill concerns the proposed amendment to 5 U.S.C. 8332, which would provide one month service credit for each 173 hours of employment. This would actually reduce the current benefit level. It would deprive part-time employees of the full-time service credit which is currently provided to employees who work on a part-time, regularly scheduled basis. Rather than encouraging individuals to accept part-time employment, this reduction in benefit level would detract from the desirability of part-time employment.

We can find no rational basis for treating one group of part-time employees differently from another for purposes of determining creditable service. Service credit for retirement purposes has never been based on the number of hours worked in a day, month, or year. Employees serving on a full-time or part-time basis earn full-time service credit from the time of appointment to the time of separation. Employees serving on a "when-actually-employed" or intermittent basis earn a full day's service credit for each day during which they are called to work, even if they work less than the usual eight-hour day.

In the drafting of this bill, in proposing an amendment to 5 U.S.C. 8332, it might have been erroneously assumed that the existing provisions preclude retirement coverage for part-time workers. Such is not the case. Retirement coverage depends on the type of appointment given and not on whether the tour of duty is full-time, part-time, or intermittent.

Further, there is no need to amend the retirement, life insurance and health benefits laws to bar the CSC from excluding "flexible hours" employees from coverage. The Commission does not exclude part-time employees from retirement, life insurance, or health benefits coverages, although the CSC has the authority to do so by regulation. CSC regulations do, however, provide that *any* employee (including a part-time employee) who is expected to work less than six months in each year is to be excluded from life insurance and health benefits coverages. There are two reasons for this exclusion. First, many employees who work less than six months in a year already have life insurance and health benefits as family members under a parent's or spouse's coverages. Thus, such employees would likely enroll for themselves only if they were in poor health. Such adverse selection would be contrary to the "usual risk" basis under which insurance programs and costs are

established. Second, it would be necessary to ensure that the covered employee earns enough salary to meet the full annual premiums for life insurance and health benefits coverages.

In conclusion, it should be noted that the Commission encourages agencies to use a variety of techniques, including part-time work assignments, to provide employment for women and men whose family or other personal responsibilities do not permit full-time employment. While the Commission agrees with the general purpose of the bill as stated, we cannot agree with the establishment of this type of arbitrary numerical employment standard.

The Office of Management and Budget advises that from the standpoint of the administration's program there is no objection to the submission of this report.

By direction of the Commission:

Sincerely yours,

ROBERT HAMPTON, *Chairman.*

Enclosures.

ENCLOSURE 1

	Total full-time employment (Oct. 31, 1973)[1]	2 percent part-time quota	10 percent part-time quota
GS-1	3,810	76	381
GS-2	35,955	719	3,595
GS-3	106,879	2,138	10,688
GS-4	167,441	3,349	16,744
GS-5	177,584	3,552	17,758
GS-6	85,890	1,718	8,859
GS-7	123,058	2,461	12,306
GS-8	31,720	634	3,172
GS-9	148,553	2,971	14,855
GS-10	25,813	516	2,581
GS-11	149,362	2,987	14,936
GS-12	136,754	2,735	13,676
GS-13	106,749	2,135	10,675
GS-14	52,405	1,048	5,241
GS-15	30,098	602	3,010
Total	1,382,115	27,484	138,208

[1] Full-time white collar by GS and equivalent grades, worldwide, all agencies (excluding U.S. Postal Service) as of Oct. 31, 1973.

Civilian personnel data file as of Nov. 30, 1973. Current definition of part-time in Federal employment is not identical to S. 782 requirements of 16 to 30 hours.

TABLE 18.—TREND OF FISCAL YEAR ACCESSIONS AND SEPARATIONS BY TYPE IN THE FEDERAL GOVERNMENT (ALL AREAS)

	1966	1967	1968	1969	1970	1971	1972	1973
Fiscal year accession rate (percent)	33.32	48.51	28.42	24.76	20.43	19.86	17.96	19.90
Total accessions	858,693	1,091,140	836,492	735,596	599,208	564,653	507,329	563,252
Excepted	243,091	306,620	275,100	272,449	120,662	111,131	161,806	135,337
Transfers	41,745	52,949	35,922	25,705	52,901	54,657	31,548	29,676
Career	35,524	61,006	79,624	93,679	88,323	60,808	10,216	16,888
Career conditional	127,689	164,081	160,521	94,378	83,569	89,702	80,441	91,779
Reappointments	98,068	123,936	64,862	72,865	64,535	61,052	70,355	52,003
Temporary pending register	16,275	21,060	14,221	5,864	2,691	1,543	435	587
Temporary from register	94,798	118,741	73,560	59,280	51,712	49,356	27,293	24,745
Other temporary	134,667	171,289	109,837	87,394	74,362	73,344	80,077	92,287
Restoration, return to duty	56,835	73,458	31,850	28,950	61,044	63,060	39,790	19,929
Fiscal year separation rate (percent)	24.81	27.84	26.36	24.35	23.96	21.35	19.51	22.03
Total separations	639,251	790,333	775,648	723,[illegible]0	[illegible]91	606,787	545,655	601,474
Quit	237,546	310,905	365,256	372,471	332,145	240,259	208,444	226,648
Transfers	39,186	41,271	43,774	25,[illegible]	29,683	29,572	25,091	28,562
Discharges	12,785	14,670	22,362	18,[illegible]49	36,308	22,720	21,079	16,792
Reduction-in-force	22,310	31,205	30,271	15,663	52,224	52,332	48,205	43,409
Termination	203,538	252,771	207,834	186,767	145,931	132,578	127,566	145,179
Extended leave without pay, suspension	50,245	59,592	42,564	39,574	34,237	35,076	35,061	28,212
Death, retirement, etc	73,130	77,716	63,202	64,214	81,835	91,850	80,027	112,560
Displacement	511	2,123	435	632	326	400	252	150
Average employment	2,576,744.1	2,808,401.0	2,942,912.3	2,970,895.3	2,932,975.3	2,844,994.1	2,796,678.6	2,730,074.8

[1] All 1972 and 1973 data excludes agencies with less than 2,500 employees.

Note: Federal Government accession and separation rates exclude employees of Central Intelligence Agency, National Security Agency, Congress, Architect of the Capitol, and Federal courts as well as seamen employed by the Maritime Administration, youth program appointees, and public service career employees. The accession (or separation) rates are found by dividing the total number of accessions (or separations) during the fiscal year by adjusted average employment for that year. Accessions and separations by type are partially estimated.

CHANGES IN EXISTING LAW

In compliance with subsection 4 of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill as reported are shown as follows (existing law in which no change is proposed is shown in roman; existing law proposed to be omitted is enclosed in black brackets; new matter is shown in italic):

TITLE 5, UNITED STATES CODE

* * * * * * *

Chapter 31—AUTHORITY FOR EMPLOYMENT

Sec.
3101. General authority to employ.
3102. Employment of readers for blind employees.
3103. Employment at seat of Government only for services rendered.
3104. Employment of specially qualified scientific and professional personnel.
3105. Appointment of hearing examiners.
3106. Employment of attorneys; restrictions.
3107. Employment of publicity experts; restrictions.
3108. Employment of detective agencies; restrictions.
3109. Employment of experts and consultants; temporary or intermittent.
3110. Employment of relatives; restrictions.

§ 3101. General authority to employ

Each Executive agency, military department, and the government of the District of Columbia may employ such number of employees of the various classes recognized by chapter 51 of this title as Congress may appropriate for from year to year. (Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 414.)

* * * * * * *

(b) A public official may not appoint, employ, promote, advance, or advocate for appointment, employment, promotion, or advancement, in or to a civilian position in the agency in which he is serving or over which he exercises jurisdiction or control any individual who is a relative of the public official. An individual may not be appointed, employed, promoted, or advanced in or to a civilian position in an agency if such appointment, employment, promotion, or advancement has been advocated by a public official, serving in or exercising jurisdiction or control over the agency, who is a relative of the individual.

(c) An individual appointed, employed, promoted, or advanced in violation of this section is not entitled to pay, and money may not be paid from the Treasury as pay to an individual so appointed, employed, promoted, or advanced.

(d) The Civil Service Commission may prescribe regulations authorizing the temporary employment, in the event of emergencies resulting from natural disasters or similar unforeseen events or circumstances, of individuals whose employment would otherwise be prohibited by this section.

(e) This section shall not be construed to prohibit the appointment of an individual who is a preference eligible in any case in which the passing over of that individual on a certificate of eligibles furnished under section 3317(a) of this title will result in the selection for appointment of an individual who is not a preference eligible. (Added Pub. L. 90-206, § 221(a), Dec. 16, 1967, 81 Stat. 640.)

Chapter 32—PART-TIME CAREER EMPLOYMENT

Sec.
3201. Definitions.
3202. Policy.
3203. Part-time career employment percentage minimums; waiver.
3204. Implementation.
3205. Limitations.
3206. Personnel ceilings.
3207. Nonapplicability.

§ 3201. Definitions

For the purpose of this chapter—

(1) "agency" means an executive agency other than the Federal Bureau of Investigation, the United States Postal Service, the the Postal Rate Commission, and any agency referred to in section 5102(a)(1)(i)–(viii) of this title;

(2) "part-time career employment" means part-time employment of at least sixteen hours but not more than thirty hours a week, including, as for example, four hours each workday, five hours each workday, a different number of hours each workday, or two, three, or four days a week, job-sharing arrangements, or such other arrangements as the Civil Service Commission establishes as consistent with the policy prescribed by section 3202 of this title, but does not include an employee who is employed on a temporary or intermittent basis; and

(3) "grade" means any grade referred to in chapter 51 (other than grades GS–16, GS–17, and GS–18).

§ 3202. Policy

It is the policy of the Government of the United States that at least a certain percentage of all positions in each grade in each agency shall be restructured to the requirements of part-time employment and made available on a part-time career employment basis to individuals who are are unable, or do not desire, to work on a full-time basis.

§ 3203. Part-time career employment percentage minimums; waiver

(a) Not later than one year after the date of enactment of this chapter, at least 2 per centum of all positions in each grade of each agency shall be restructured to the requirements of part-time employment and made available to individuals on a part-time career employment basis. Not later than two years after the date of enactment of this chapter, 4 per centum of such positions shall be restructured and made available on such a basis. Not later than three years after the enactment of this chapter, 6 per centum of such positions shall be restructured and made available on such a basis. Not later than four years after the date of enactment of this chapter, 8 per centum of such positions shall be restructured and made available on such a basis. Not later than five years after the date of enactment of this chapter, and thereafter, 10 per centum of such positions shall be restructured and made available on such a basis.

(b) Upon the request of an agency, the Civil Service Commission may waive or reduce the percentage minimum applicable to any year referred to in subsection (a) for positions in a grade of an agency for a period of not to exceed one year if—

(1) the Commission finds that compliance with the percentage minimum for those positions in that grade for that period by such

agency would be substantially disruptive of the ability of the agency to perform its mission.

(2) notice of the request for a waiver or reduction and the reasons and justification for that request have been published in the Federal Register and interested parties have been afforded not less than sixty days to submit comments to the Commission.

(c) A decision of the Commission to waive or reduce any such percentage minimum shall include the reasons and justification therefor. Copies of each such decision shall be available to the public during normal business hours at each location at which the Commission has offices. Upon request, a copy of a decision shall be furnished without charge.

(d) Notwithstanding any other provision of law any such decision of the Commission is a final agency action within the meaning of chapter 7 of this title.

§ 3204. Implementation

(a) Each agency shall adopt and maintain procedures, continuously conduct activities and projects, and undertake such other efforts as may be appropriate, to carry out section 3202 and 3203(a) of this title. The Civil Service Commission shall promptly formulate and implement, and thereafter supervise, a program to assist agencies in carrying out those sections. Not later than six months after the date of enactment of this chapter, the Commission shall report to Congress on actions taken to formulate and implement a program to assist agencies in carrying out those sections.

(b) Each agency shall report annually to the Commission on the procedures, activities, projects, and other efforts undertaken to carry out section 3202 and 3203(a) of this title. Each report shall contain documentation concerning the extent to which the percentage minimums of section 3203(a) of this title have been met and an explanation of any impediments to their fulfillment and of measures undertaken to remove these impediments.

(c) The Commission shall report annually to the Congress on the procedures, activities, projects, and other efforts undertaken to carry out sections 3202 and 3203(a) of this title. Each annual report shall contain documentation concerning the extent to which the percentage minimums of section 3203(a) of this title have been met and an explanation of any impediments to their fulfillment and of measures undertaken to remove these impediments.

(d) The Commission shall conduct research and experimentation projects and any other activities designed to promote, in public employment, the advancement of opportunities for individuals who are unable, or who do not desire, to work on a full-time basis.

§ 3205. Limitations

(a) An agency shall not abolish a full-time position in a grade subject to this chapter, and occupied by employee, in order to establish two or more positions to be made available to individuals on a part-time career employment basis.

(b) Nothing in this chapter shall impair the employment or employment rights or benefits of any employee.

(c) No agency shall enter into any contract or other agreement with any person as a result of the enactment of this chapter, except with

respect to any agreement to furnish advice and assistance to that agency to meet the percentage minimums of section 3203(a) of this title.

(d) No person employed as an expert or consultant under section 3109 of this title, and no person who is employed by any employer other than an agency, may be counted for the purpose of determining whether that agency has met the percentage minimums of section 3203(a) of this title.

(e) Not to exceed 10 per centum of the full-time positions of an agency may be restructured to the requirements of part-time employment and made available to individuals on a part-time career employment basis.

§ 3206. Personnel ceilings

In counting the number of employees an agency employs for purposes of any personnel ceiling, an employee employed on a part-time career employment basis shall be counted as a fraction which is determined by dividing forty hours into the average number of hours that employee works each week.

§ 3207. Nonapplicability

If, on the date of enactment of this chapter, a collective-bargaining agreement is in effect with respect to positions occupied by employees which establishes the number of hours of employment in a week, then this chapter shall not apply to those positions.

Chapter 33—EXAMINATION, SELECTION, AND PLACEMENT

SUBCHAPTER I—EXAMINATION, CERTIFICATION, AND APPOINTMENT

Sec.
3301. Civil service; generally.
3302. Competitive service; rules.
3303. Competitive service; recommendations of Senators or Representatives.
3304. Competitive service; examinations.
3304a. Competitive service; career appointments after 3 years' temporary service.
3305. Competitive service; examinations; when held.
3306. Competitive service; departmental service; apportionment.
3307. Competitive service; maximum-age entrance requirements; exceptions.
3308. Competitive service; examinations; educational requirements prohibited; exceptions.
3309. Preference eligibles; examinations; additional points for.
3310. Preference eligibles; examinations; guards, elevator operators, messengers, and custodians.
3312. Preference eligibles; physical qualifications; waiver.
3313. Competitive service; registers of eligibles.
3314. Registers; preference eligibles who resigned.
3315. Registers; preference eligibles furloughed or separated.

PART III—EMPLOYEES

Subpart A—General Provisions

Chapter	Sec.
21—Definitions	2101
29—Commissions, Oaths, Records, and Reports	2901

Subpart B—Employment and Retention

31—Authority for Employment 3101
32—Part-Time Career Employment 3201
33—Examination, Selection, and Placement 3301
35—Retention Preference, Restoration, and Reemployment 3501

§ 3502. Order of retention

(a) The Civil Service Commission shall prescribe regulations for the release of competing employees in a reduction in force which give due effect to—

(1) tenure of employment;

(2) military preference, subject to section 3501(a)(3) of this title;

(3) length of service; [and]

(4) efficiency or performance ratings[.] *and;*

(5) previous or current employment on a full-time basis (other than on a temporary or seasonal full-time basis.

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§ 8332. Creditable service

(a) The total service of an employee or Member is the full years and twelfth parts thereof, excluding from the aggregate the fractional part of a month, if any.

(b) The service of an employee shall be credited from the date of original employment to the date of separation on which title to annuity is based in the civilian service of the Government. Credit may not be allowed for a period of separation from the service in excess of 3 calendar days. The service includes—

(1) employment as a substitute in the postal field service;

(2) service in the Pan American Sanitary Bureau;

(3) subject to sections 8334(c) and 8339(i) of this title, service performed before July 16, 1960, as an employee of a county committee established under section 590h(b) of title 16 or of a committee or an association of producers described by section 610(b) of title 7;

(4) service as a student-employee as defined by section 5351 of this title only if he later becomes subject to this subchapter;

(5) a period of satisfactory service of a volunteer or volunteer leader under chapter 34 of title 22 only if he later becomes subject to this subchapter;

(6) employment under section 709 of title 32, United States Code, or any prior corresponding provision of law;

(7) a period of service of a volunteer under part A of title VIII of the Economic Opportunity Act of 1964, or a period of service of a full-time volunteer enrolled in a program of at least one year's duration under part A, B or C of title I of the Domestic Volunteer Service Act of 1973 (— U.S.C. —) only if he later becomes subject to this subchapter;

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primarily of employees as defined by section 8331(1) of this title, which 60 days after entering on that leave without pay, may file with his employing agency an election to receive full retirement credit for his periods of that leave without pay and arrange to pay currently into the Fund, through his employing agency, amounts equal to the retirement deductions and agency contributions that would be applicable if he were in pay status. If the election and all payments provided by this paragraph are not made, the employee may not receive credit for the periods of leave without pay occurring after July 17, 1966, notwithstanding the second sentence of subsection (f) of this section. For the purpose of the preceding sentence, "employee" includes an employee who was on approved leave without pay and serving as a full-time officer or employee of such an organization on July 18, 1966, and who filed a similar election before September 17, 1966.

(2) An employee may deposit with interest an amount equal to retirement deductions representing any period or periods of approved leave without pay while serving, before July 18, 1966, as a full-time officer or employee of an organization composed primarily of employees as defined by section 8331(1) of this title. An employee who makes the deposit shall be allowed full retirement credit for the period or periods of leave without pay. If the employee dies, a survivor as defined by section 8331(10) of this title may make the deposit. If the deposit is not made in full, retirement credit shall be allowed in accordance with the second sentence of subsection (f) of this section.

(l) Notwithstanding any other provision of law, an employee occupying a position on a part-time career employment basis shall be allowed credit at one month for each one hundred and seventy-three hours of work performed for which deductions are made under this subchapter or deposits may be made.

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§ 8347. Administration: regulations

(a) The Civil Service Commission shall administer this subchapter. Except as otherwise specifically provided herein, the Commission shall perform, or cause to be performed, such acts and prescribe such regulations as are necessary and proper to carry out this subchapter.

(b) Applications under this subchapter shall be in such form as the Commission prescribes. Agencies shall support the applications by such certificates as the Commission considers necessary to the determination of the rights of applicants. The Commission shall adjudicate all claims under this subchapter.

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(g) The Commission may exclude from the operation of this subchapter an employee or group of employees in or under an Executive agency whose employment is temporary or intermittent. *However, the Commission may not exclude any employee who occupies a position on a part-time career employment basis (as defined in section 3201(2) of this title).*

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§ 8716. Regulations

(a) The Civil Service Commission may prescribe regulations necessary to carry out the purposes of this chapter.

(b) The regulations of the Commission may prescribe the time at which and the conditions under which an employee is eligible for coverage under this chapter. The Commission, after consulting the head of the agency or other employing authority concerned, may exclude an employee on the basis of the nature and type of his employment or conditions pertaining to it, such as short-term appointment, seasonal, intermittent [or part-time] employment, and employment of like nature. The Commission may not exclude—

(1) an employee or group of employees solely on the basis of the hazardous nature of employment; [or]

(2) a teacher in the employ of the Board of Education of the District of Columbia, whose pay is fixed by section 1501 of title 31, District of Columbia Code, on the basis of the fact that the teacher is serving under a temporary appointment if the teacher has been so employed by the Board for a period or periods totaling not less than two school years[.]; *or*

(3) an employee who is occupying a position on a part-time career employment basis (as defined in section 3201(2) of this title).

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§ 8913. Regulations

(a) The Civil Service Commission may prescribe regulations necessary to carry out this chapter.

(b) The regulations of the Commission may prescribe the time at which and the manner and conditions under which an employee is eligible to enroll in an approved health benefits plan described by section 8903 of this title. The regulations may exclude an employee on the basis of the nature and type of his employment or conditions pertaining to it, such as short-term appointments, seasonal or intermittent employment, and employment of like nature. The Commission may not exclude—

(1) an employee or group of employees solely on the basis of the hazardous nature of employment; [or]

(2) a teacher in the employ of the Board of Education of the District of Columbia, whose pay is fixed by section 1501 of title 31, District of Columbia Code, on the basis of the fact that the teacher is serving under a temporary appointment if the teacher has been so employed by the Board for a period or periods totaling not less than two school years[.] ; *or*

(3) an employee who is occupying a position on a part-time career employment basis (as defined in section 3201(2) of this title).

§ 3302. Competitive service: rules

(a) The President may prescribe rules governing the competitive service. The rules shall provide, as nearly as conditions of good administration warrant, for—

(1) necessary exceptions of positions from the competitive service; and

(2) necessary exceptions from the provisions of sections 2951, 3304(a), 3306(a)(1), 3321, 7152, 7153, 7321, and 7322 of this title. Each officer and individual employed in an agency to which the rules apply shall aid in carrying out the rules.

(b) The rules prescribed in accordance with subsection (a) shall also provide that any employee employed on a part-time career employment basis shall not compete for promotion, as the result of being so employed, with any employee in the competitive service employed on a full-time basis.

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